

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (Crl.) No.7960/2024

(Arising out of impugned final judgment and order dated 20-02-2024 in CRA No. 548/2023 passed by the High Court of Judicature at Bombay at Goa)

**THAIKA AHMMED NUBAIL ALIAS NUBAIL THAIKA
SHUAIB ALIAS NUBAIL THAIKA RAJA**

Petitioner(s)

VERSUS

SOCIEDADE DE FOMENTO INDUSTRIAL PRIVATE LIMITED

Respondent(s)

Date : 13-08-2024 This petition was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH**

For Petitioner(s) Mr. Sidharth Luthra, Sr. Adv.
Mr. V M Kannan, AOR
Mr. Rajiv Singh, Adv.
Mr. Sarthak Karol, Adv.
Mr. Mihir Joshi, Adv.
Mr. Uddhav Sinha, Adv.
Mr. Kaustubh Chouhan, Adv.
Ms. Neelakshi Bhadauria, Adv.

For Respondent(s) M/S. Mitter & Mitter Co., AOR
Mr. Yashraj Singh Deora, Adv.
Mr. Gurudatt R. Mallya, Adv.
Mr. Priyesh Mohan Srivastava, Adv.
Mr. Sonal K. Chopra, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

The matter relates to settlement arising out of a proceeding related to Section 138 of the Negotiable Instruments Act, 1881. The complaint was filed by the respondent under Section 138 of the NI Act wherein ultimately the Trial Court

convicted and sentenced the petitioner under Section 138 of the NI Act, 1881 to suffer imprisonment for one year and fine of Rs.2 crores (Rupees two crores only).

One cheque for Rs.1,20,00,000/-crores(Rupees One crore & twenty lakhs only) and another cheque for Rs.74,85,817.10/- (Rupees Seventy four Lakhs, Eighty five thousand, Eight hundred & Seventeen and Ten Paise only) (in total the amount of the two cheques i.e.Rs.1,94,85,817.10/- (Rupees One crore ninety-four lakhs eighty five thousand eight hundred seventeen and ten paisa only) was the subject matter of the case.

Both the appeals as well as revision of the petitioner were also dismissed. Ultimately the petitioner is before us assailing the order passed by the High Court and the courts below. Before this Court, now finally a settlement has taken place between the parties for a settlement amount of Rs.6,25,00,000/- (Rupees six crores twenty-five lakhs only). The settlement which has been reduced in writing is before us, i.e., I.A. No. 175965 of 2024 where the terms of the settlement have been arrived at between the parties.

According to terms of the Settlement, particularly para nos. 2, 3 and 4, there is now a full and final settlement for Rs.6,25,00,000/-(Rupees six crores twenty-five lakhs only) in addition to the interest which also comes to about Rs.1,00,00,000/- (Rupees One crore only). The Settlement Agreement is made the part of this Order.

We make it very clear that the offence here stands compounded, in terms of the settlement and all legal consequences arising in terms of the settlement shall follow.

The Special Leave Petition is disposed of in terms of the settlement agreement accordingly.

Pending application(s), if any, shall stand dismissed.

(CHANDRESH)
COURT MASTER (SH)

(RENU BALA GAMBHIR)
COURT MASTER (NSH)